

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) ALYSSIA MIGLIACCIO,)
)
Plaintiff,)

vs.)

Case No.: CIV-17-876-D

(1) HEALTH, LLC d/b/a LIGHTHOUSE)
SPORTS AND FITNESS, a)
domestic limited liability company,)
(2) PALMETTO MIDWEST FITNESS,)
INC., d/b/a LIGHTHOUSE FITNESS)
MANAGEMENT, a/k/a CUSTOM)
BUILT PERSONAL TRAINING, a)
foreign for profit business corporation,))
Defendants.)

DEFENDANT PALMETTO MIDWEST FITNESS INC'S
NOTICE OF REMOVAL

COMES NOW the Defendant, Palmetto Midwest Fitness, Inc., d/b/a Lighthouse Fitness Management d/b/a Custom Built Personal Training ("Palmetto"), and pursuant to 28 U.S.C. § 1441 (a) files this Notice of Removal.

I.

An action was filed by Plaintiff, Alyssia Migliaccio ("Plaintiff"), on July 17, 2017 in Oklahoma County, State of Oklahoma, against Palmetto and one other Defendant who has been served in this case, Health, LLC d/b/a Lighthouse Sports and Fitness. This action is entitled *Alyssia Migliaccio, Plaintiff v. Health, LLC, d/b/a Lighthouse Sports and Fitness, a domestic limited liability company, Palmetto Midwest Fitness, Inc., d/b/a*

Lighthouse Fitness Management a/k/a Custom Built Personal Training, a foreign for profit business corporation, Defendants, Oklahoma County Case No. CJ-2017-4072, (“the State Court Action”). As of the date of the filing of this Notice of Removal, both Defendants have been served, and Co-Defendant has been contacted and agrees to the removal of this action. See Exhibit 1.

II.

Attached are the following documents, pleadings, motions, and Orders, served on the District, which have been marked as Exhibits 2 through 9:

- (a) Summons, Exhibit 2;
- (b) Petition, Exhibit 3;
- (c) EOA for D. Colby Addison, Exhibit 4;
- (d) EOA for Chris Hammons, Exhibit 5;
- (e) Return of Service of Summons & Petition on Defendant Health, LLC (Served twice), Exhibit 6;
- (f) Return of Service of Summons & Petition on Defendant Palmetto, Exhibit 7;
- (g) Special Reservation of Additional Time to Answer or Otherwise Plead; Exhibit 8;
- (h) Oklahoma County Docket Sheet, Exhibit 9.

III.

This Court has jurisdiction over this case and removal is proper pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1441 (a). Original jurisdiction is vested in this Court because Plaintiff has alleged violations of her civil rights under the Constitution and laws

of the United States. In her Petition, Plaintiff asserts claims for sexual harassment and/or retaliation, arising under Title VII of the Civil Rights Act of 1964. *See* Exhibit 3, Petition, Dismissal and Notice of Rights, Exhibit 10. This action is therefore removable to Federal Court.

IV.

Palmetto was served by certified mail in the State Court Action on July 18, 2017. This Notice of Removal is being filed within thirty (30) days after Palmetto was served with process notifying it of the action pending in Oklahoma County. Therefore, removal of the State Court Action to this Court is timely and satisfies the requirements of 28 U.S.C. § 1446 (b).

V.

Contemporaneous with the filing of this Notice of Removal, Palmetto has given the District Court for Oklahoma County, Oklahoma, written notice of this removal of the lawsuit, in the form attached as Exhibit 11.

VI.

The following is a list of counsel of record.

Plaintiff's Attorneys:

D. Colby Addison
Chris Hammons
Laird Hammons Laird, PLLC
1332 SW 89th Street
Oklahoma City, OK 73159
405.703.4567 (Phone)
colby@lhllaw.com
chris@lhllaw.com

Defendant Health, LLC's Attorney(s):

No entry of appearance made yet. *See* Exhibit 1.

Respectfully submitted,

/s/Denelda Richardson

Denelda Richardson, OBA #20103

Rhodes Hieronymus Jones Tucker & Gable, PLLC

P. O. Box 21100

Tulsa, OK 74121-1100

918.582.1173 (Telephone)

918.592.3390 (Facsimile)

drichardson@rhodesokla.com

***Attorney for Defendant, Lighthouse Fitness
Management, a/k/a Custom Built Personal Training***

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2017, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Chris Hammons

D. Colby Addison

Attorneys for Plaintiff

/s/Denelda Richardson

Denelda Richardson